

1 SENATE BILL 346

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 James G. Taylor

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7  
8 FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

9  
10 AN ACT

11 RELATING TO MOTOR VEHICLE REGISTRATION; ADDRESSING ISSUES OF  
12 TITLE AND REGISTRATION OF VEHICLES OWNED BY A CARRIER THAT IS  
13 FROM A JURISDICTION THAT IS NOT A PARTICIPANT IN THE  
14 INTERNATIONAL FUEL TAX AGREEMENT, THAT IS AUTHORIZED BY THE  
15 UNITED STATES GOVERNMENT TO CONDUCT CROSS-BORDER OPERATIONS  
16 BEYOND THE COMMERCIAL BORDER ZONE PURSUANT TO THE PROVISIONS OF  
17 THE NORTH AMERICAN FREE TRADE AGREEMENT AND THAT IDENTIFIES NEW  
18 MEXICO AS THE CARRIER'S BASE JURISDICTION; DECLARING AN  
19 EMERGENCY.

20  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 Section 1. Section 66-3-1 NMSA 1978 (being Laws 1978,  
23 Chapter 35, Section 21, as amended) is amended to read:

24 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--  
25 EXCEPTIONS.--

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1           A. With the exception of vehicles identified in  
2 Subsection B of this section, every motor vehicle, trailer,  
3 semitrailer and pole trailer when driven or moved upon a  
4 highway is subject to the registration and certificate of title  
5 provisions of the Motor Vehicle Code except:

6                   (1) any such vehicle driven or moved upon a  
7 highway in conformance with the provisions of the Motor Vehicle  
8 Code relating to manufacturers, dealers, lien-holders or  
9 nonresidents;

10                   (2) any such vehicle that is driven or moved  
11 upon a highway only for the purpose of crossing the highway  
12 from one property to another;

13                   (3) any implement of husbandry that is only  
14 incidentally operated or moved upon a highway;

15                   (4) any special mobile equipment;

16                   (5) any vehicle that is propelled exclusively  
17 by electric power obtained from overhead trolley wires though  
18 not operated upon rails;

19                   (6) freight trailers if they are:

20                           (a) properly registered in another  
21 state;

22                           (b) identified by a proper base  
23 registration plate that is properly displayed; and

24                           (c) identified by other registration  
25 documents that are in the possession of the operator and

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1 exhibited at the request of a police officer;

2 (7) freight trailers or utility trailers owned  
3 and used by:

4 (a) a nonresident solely for the  
5 transportation of farm products purchased by the nonresident  
6 from growers or producers of the farm products and transported  
7 in the trailer out of the state;

8 (b) farmers and ranchers who transport  
9 to market only the produce, animals or fowl produced by them or  
10 who transport back to their farms and ranches supplies for use  
11 thereon; or

12 (c) persons who transport animals to and  
13 from fairs, rodeos or other places, except racetracks, where  
14 the animals are exhibited or otherwise take part in  
15 performances, in trailers drawn by a motor vehicle or truck of  
16 less than ten thousand pounds gross vehicle weight rating  
17 bearing a proper registration plate, but in no case shall the  
18 owner of an unregistered trailer described in this paragraph  
19 perform such uses for hire; and

20 (8) any such vehicle moved on a highway by a  
21 towing service as defined in Section 59A-50-2 NMSA 1978.

22 B. ~~[No]~~ A certificate of title ~~[need be obtained]~~  
23 required pursuant to Subsection A of this section is not  
24 required for ~~[any]~~ a vehicle of a type subject to registration  
25 owned by:

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- 1                   (1) the government of the United States; or
- 2                   (2) a carrier that is from a jurisdiction that
- 3 is not a participant in the International Fuel Tax Agreement,
- 4 that is authorized by the United States government or an agency
- 5 of the United States government to conduct cross-border
- 6 operations beyond the commercial border zone pursuant to the
- 7 provisions of the North American Free Trade Agreement and that
- 8 identifies New Mexico as the carrier's base jurisdiction.

9                   C. Every manufactured home shall be subject to the  
10 registration and certificate of title provisions of the Motor  
11 Vehicle Code, and each manufactured home shall at all times  
12 bear a current registration plate."

13                   Section 2. Section 66-3-4 NMSA 1978 (being Laws 1978,  
14 Chapter 35, Section 24, as amended) is amended to read:

15                   "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF  
16 TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

17                   A. Except for a vehicle owned by a carrier that is  
18 from a jurisdiction that is not a participant in the  
19 International Fuel Tax Agreement, that is authorized by the  
20 United States government or an agency of the United States  
21 government to conduct cross-border operations beyond the  
22 commercial border zone pursuant to the provisions of the North  
23 American Free Trade Agreement and that identifies New Mexico as  
24 the carrier's base jurisdiction, every owner of a vehicle of a  
25 type required to be registered in this state shall make

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1 application to the division for the registration and issuance  
2 of a certificate of title for the vehicle. Applications shall  
3 be upon the appropriate forms furnished by the division and  
4 shall bear the signature of the owner written with pen and ink.  
5 All applications presented to the division shall contain:

6 (1) for a vehicle other than a recreational  
7 vehicle, the name, bona fide New Mexico residence address and  
8 mail address of the owner or, if the owner is a firm,  
9 association or corporation, the name, bona fide New Mexico  
10 business address and mail address of the firm, association or  
11 corporation and for a recreational vehicle, the name, bona fide  
12 residence address and mail address of the owner and proof of  
13 delivery in New Mexico;

14 (2) a description of the vehicle including,  
15 ~~[insofar as the hereinafter]~~ to the extent that the following  
16 specified data may exist with respect to a given vehicle, the  
17 make, model, type of body, number of cylinders, type of fuel  
18 used, serial number of the vehicle, odometer reading, engine or  
19 other identification number provided by the manufacturer of the  
20 vehicle, whether new or used and, if a vehicle not previously  
21 registered, date of sale by the manufacturer or dealer to the  
22 person intending to operate the vehicle. In the event a  
23 vehicle is designed, constructed, converted or rebuilt for the  
24 transportation of property, the application shall include a  
25 statement of its rated capacity as established by the

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1 manufacturer of the chassis or the complete vehicle;

2 (3) a statement of the applicant's title and  
3 of all liens or encumbrances upon the vehicle and the names and  
4 addresses of all persons having ~~[any]~~ an interest ~~[therein and]~~  
5 in the vehicle, the nature of ~~[every such]~~ each interest and  
6 the name and address of the person to whom the certificate of  
7 title shall be delivered by the division;

8 (4) if the vehicle required to be registered  
9 is a house trailer, as defined in the Motor Vehicle Code, a  
10 certificate from the treasurer or assessor of the county in  
11 which the house trailer is located showing that either:

12 (a) all property taxes due or to become  
13 due on the house trailer for the current tax year or any past  
14 tax years have been paid; or

15 (b) no liability for property taxes on  
16 the house trailer exists for the current year or any past tax  
17 years; and

18 (5) further information as may reasonably be  
19 required by the division to enable it to determine whether the  
20 vehicle is lawfully entitled to registration and the owner  
21 entitled to a certificate of title.

22 B. ~~[Any]~~ The owner of a vehicle subject to  
23 registration that has never been registered in this state and  
24 that has been registered in another state shall have ~~[such]~~ the  
25 vehicle examined and inspected for its identification number or

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1 engine number by the division or an officer or a designated  
2 agent [~~thereof~~] of the division incident to securing  
3 registration, reregistration or a certificate of title from the  
4 division.

5 C. When [~~such~~] an application refers to a vehicle  
6 not previously registered and the vehicle is purchased from a  
7 dealer licensed in this state or a dealer licensed or  
8 recognized as such in any other state, territory or possession  
9 of the United States, the application shall be accompanied by a  
10 manufacturer's certificate of origin duly assigned by the  
11 dealer to the purchaser. In the event that a vehicle not  
12 previously registered is sold by the manufacturer to a dealer  
13 in a state not requiring a manufacturer's certificate of origin  
14 and in the event that the vehicle is subsequently purchased by  
15 a dealer or any person in this state, the application for title  
16 shall be accompanied by the evidence of title accepted by the  
17 state in which the vehicle was sold by the manufacturer to a  
18 dealer in that state together with evidence of subsequent  
19 transfers.

20 D. Prior to the sale or disposal of a nonrepairable  
21 vehicle, the owner, owner's agent or salvage pool shall obtain  
22 a properly endorsed nonrepairable vehicle certificate from the  
23 department and deliver it to the purchaser within twenty days  
24 after payment in full for the nonrepairable vehicle and shall  
25 also comply with Section 66-3-10.1 NMSA 1978. The department

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1 shall accept the endorsed nonrepairable vehicle certificate in  
2 lieu of the certificate of ownership or other evidence of  
3 ownership when accompanied by an application and other  
4 documents and fees as may be required by the department. A  
5 vehicle for which a nonrepairable vehicle certificate has been  
6 issued shall not be titled or registered for use on the  
7 highways of this state.

8 E. If an insurance company makes a total loss  
9 settlement on a nonrepairable vehicle and takes possession of  
10 that vehicle, either itself or through an agent or salvage  
11 pool, the insurance company or an authorized agent of the  
12 insurance company shall:

13 (1) stamp the face of the title or  
14 manufacturer's certificate of origin with the word  
15 "NONREPAIRABLE", in letters no less than one-half inch high, at  
16 an angle of approximately forty-five degrees to the text of the  
17 title or manufacturer's certificate of origin; and

18 (2) within twenty days after receipt of title  
19 by the insurer, free and clear of all liens, submit a copy of  
20 the branded title or manufacturer's certificate of title to the  
21 department together with documents explaining the reason for  
22 branding, and shall forward a properly endorsed certificate of  
23 title or manufacturer's certificate of origin or other evidence  
24 of ownership acceptable to the department together with the  
25 proper fee to the department. The department, upon receipt of

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1 the title or manufacturer's certificate of origin or other  
2 evidence of ownership, shall issue a nonrepairable vehicle  
3 certificate for the vehicle.

4 F. If an owner of a nonrepairable vehicle elects to  
5 retain possession of the vehicle, the insurance company shall  
6 notify the department of the retention on a form prescribed by  
7 the department. The insurance company shall also notify the  
8 insured or owner of the insured's or owner's responsibility to  
9 comply with this section. The owner shall, within twenty days  
10 from the date of settlement of the loss, forward a properly  
11 endorsed certificate of title or manufacturer's certificate of  
12 origin or other evidence of ownership acceptable to the  
13 department together with the proper fee to the department. The  
14 department, upon receipt of the title or manufacturer's  
15 certificate of origin or other evidence of ownership, shall  
16 issue a nonrepairable vehicle certificate for the vehicle.

17 G. If a nonrepairable vehicle is not the subject of  
18 an insurance settlement, the owner shall, within twenty days  
19 from the date of the loss, forward a properly endorsed  
20 certificate of title or manufacturer's certificate of origin or  
21 other evidence of ownership acceptable to the department  
22 together with the proper fee to the department. The  
23 department, upon receipt of the title or manufacturer's  
24 certificate of origin or other evidence of ownership, shall  
25 issue a nonrepairable vehicle certificate for the vehicle.

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